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SUBJECT: MUNICIPALITY DIVIDED OVER EAST JERUSALEM'S
CONTROVERSIAL "BEIT YEHOANATAN" EVACUATION

REF: JERUSALEM 2083

Classified By: Consul General Daniel Rubinstein
for reasons 1.4 (b,d).

SUMMARY

11. (SBU) Summary: An impasse within Jerusalem's municipal government has again delayed the court-ordered evacuation and sealing of Beit Yehonatan (aka Yonatan), a seven-story apartment block built illegally by the pro-settlement Ateret Cohanim organization in 2003 in the East Jerusalem neighborhood of Silwan. Dueling letters by Deputy Mayor David Hadari and municipal legal advisor Yosef Havalio, arguing (respectively) against and for implementation of the 2008 High Court order, have been selectively leaked to the press. Anti-settler NGO contacts are complaining of a double standard, in light of the demolition of 64 illegally-constructed Palestinian homes in Jerusalem this year to date (Reftel). End Summary.

NATIONAL UNION DEPUTY MAYOR: BEIT YEHOANATAN A "SYMBOL"

12. (SBU) On November 18, Israeli daily Haaretz reported that "last minute political pressure" had delayed implementation of a 2008 Israeli High Court of Justice order that Beit Yehonatan, a seven-story structure built in violation of municipal building codes in the Arab neighborhood of Silwan, be evacuated and sealed. Note: Beit Yehonatan, named for convicted spy Jonathan Pollard, was constructed in 2003 on land purchased by the Ateret Cohanim organization, which promotes an increased permanent Israeli presence in East Jerusalem. It is currently occupied by seven or eight families. According to NGO contacts, Arab residents of the neighborhood consider the building, with its five-story Israeli flag banner, a provocation. Arab residents would be subject to municipal demolition orders were they to build higher than the two-story height limit prescribed for the area by city planning law. End Note.

13. (U) According to the Haaretz report, the delay followed Deputy Mayor and National Union party member David Hadari's letter to Legal Advisor Yosef Havalio and other municipal officials arguing against the evacuation of Beit Yehonatan, on the grounds that it is "is a symbol of full Israeli sovereignty in all parts of Jerusalem." Hadari also accused the municipality of selective application of its planning laws, demanding that illegally-constructed Palestinian homes in the area be demolished as well as (or before) Beit

Yehonatan. Haaretz also reported a statement by Jerusalem Mayor Nir Barkat that "a variety of legal alternatives are being examined between the owners of the structures and the courts."

MAYOR'S OFFICE VAGUE ON EVACUATION PLANS

14. (C) In a November 19 conversation, mayoral aide Stephan Miller told DepPolChief that implementation of the High Court's 2008 evacuation order had been set aside by the municipality because the case was "back in the courts." He explained, "now that the Mayor has proposed, in the new (Jerusalem) Master Plan he submitted in May, that this area be re-zoned for four or five-story buildings, it could be that only two or three stories of Beit Yehonatan are illegal. Maybe these can be sealed, and the families can remain in the rest." Asked about the building's underlying illegality (NGO contacts say it lacks a permit altogether), Miller said he would investigate the matter further.

15. (C) When Miller responded later that day, he said his earlier statements were inaccurate, and that the 2008 High Court decision that Beit Yehonatan be evacuated was final, offering no avenue for appeal. Miller argued that implementation of the order was the responsibility of the police, and "the municipality has no control over the police." Three days later, on November 22, Haaretz reported that "a police representative told Haaretz yesterday that immediately after they receive the appropriate request from the municipality, they will assist the crew (hired by the municipality) in implementing the order (to evacuate Beit

Yehonatan), but said that so far no such request has been made."

LEGAL ADVISOR: REGRETS LACK OF IMPLEMENTATION

16. (SBU) On November 20, NGO contacts shared with Post the text of a response by Legal Advisor Havalio to Deputy Mayor Hadari's letter of the previous week (the text of the former was quoted in part by Haaretz on November 22). In his letter, Havalio terms Hadari's request for a halt to execution of the High Court order "inappropriate," states that "the eviction and sealing order has been valid since July 2008 and to my regret has not been implemented," and adds that "the Jerusalem municipality is undertaking great efforts to enforce building regulations throughout the city without discrimination."

17. (SBU) Havalio concludes, "unfortunately, the eviction and sealing order of Beit Yehonatan has yet to be implemented, despite my numerous requests on this matter to all the relevant parties. All through this time, the Jerusalem Municipality has carried out dozens of demolition orders throughout the city... including in areas neighboring Beit Yehonatan. Under these circumstances, the claim that there is inequality in executing of eviction orders is baseless and irrelevant."

MERETZ DEPUTY MAYOR REBUTS SELECTIVITY CHARGE

18. (C) Hadari's colleague, Deputy Mayor and Meretz party member Yosef Alalu, told the Israeli press on November 22 he believed the evacuation and sealing of Beit Yehonatan would proceed, and that no discrimination against Jews was applied in the execution of planning law. Alalu added, "everyone knows that for every balcony destroyed in the western part of the city, a number of homes are razed in the east." Note: Following the demolition of seven structures at five East Jerusalem sites on November 17-18, which displaced 30-40 Palestinians, mayoral aide Miller sent Post a demolition order for one West Jerusalem site executed in the same time period -- which was, in fact, a balcony. End Note.

ATERET COHANIM PLANS SILWAN, OLD CITY EXPANSIONS

19. (U) In an Ateret Cohanim brochure obtained by Post on November 23, the organization seeks 1.6 million USD in investment funds to purchase a site "just below Beit Yehonatan" in order to develop a four-family residential unit on it. Ateret Cohanim identifies this site, which it calls Beit HaMughtar, as the location of the home of the former Yemenite mukhtar, who led Silwan's Arabic-speaking Yemenite Jewish community from its arrival in the late 1800s until its uprooting during the Arab Revolt of the 1930s. The brochure also seeks buyers for six buildings (a total of 27 apartments) in the Muslim Quarter of Jerusalem's Old City, an additional property (Beit HaChatyar, four apartments) in Silwan, and one (Beit HaSlichah, two apartments) near the Shepherd's Hotel in Sheikh Jarrah.

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